

## **CHAPTER 3 GENERAL PROVISIONS**

### **3.01    Jurisdictional Area**

These Regulations shall apply to all lands within the jurisdiction of Gallatin County outside of incorporated areas, State of Montana, shown on the Official Floodplain Maps as being located within a 100-year floodplain district.

### **3.02    Floodplain District Establishment**

The floodplain districts established are defined by the 100-year floodplains as delineated in the Gallatin County Flood Insurance Study. The basis for the Flood Insurance Study is a scientific and engineering report entitled, "The Flood Insurance Study for Gallatin County, Montana", dated February 1, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, and the East Gallatin River and Upper Tributaries Flood Hazard Analysis prepared by the United State Department of Agriculture Soil Conservation Service dated June, 1972. The Official Floodplain Maps, together with the Flood Insurance Report are on file in the office of the Gallatin County Floodplain Administrator.

### **3.03    Floodplain Administrator**

The Gallatin County Commission appoints the Gallatin County Planning Director as the Gallatin County Floodplain Administrator. The Gallatin County Planning Director may designate an individual with requisite knowledge and training to act as Floodplain Administrator. The Gallatin County Planning Director may also designate individuals with requisite knowledge and training to assist the Floodplain Administrator. The responsibilities of the Floodplain Administrator are outlined in Chapter IV of these Regulations.

*(Amended County Resolution 2009 -135, on October 13, 2009.)*

### **3.04    Rules for Interpretation of Floodplain District Boundaries**

The boundaries of the 100-year floodplain and floodway shall be determined by scaling distances on the official floodplain maps, and using the floodway data table contained in the flood insurance study report. The maps may be used as a guide for determining the 100-year floodplain boundary, but the exact location of the floodplain boundary shall be determined where the base flood elevation intersects the natural ground. For unnumbered A Zones and AO Zone floodplains, where there is a conflict between a mapped floodplain boundary and actual field conditions, the Floodplain Administrator may interpret the location of the 100-year floodplain boundary based on field conditions or available historical flood information.

### **3.05    Compliance**

No structure or land use shall be located, extended, converted or structurally altered without full compliance with the provisions of these Regulations and other applicable regulations. These Regulations meet the minimum floodplain development requirements as set forth by

the Montana Board of Natural Resources and Conservation and in the National Flood Insurance Program Regulation.

3.06 Abrogation and Greater Responsibility

It is not intended by these Regulations to repeal, abrogate or impair any existing easements, covenants, deed restrictions or underlying zoning. However, where these Regulations impose greater restrictions, the provisions of these Regulations shall prevail.

3.07 Regulation Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal or any other powers granted by State statute.

3.08 Warning and Disclaimer of Liability

These Regulations do not imply that areas outside the delineated floodplain boundaries or permitted land uses within such areas will always be totally free from flooding or flood damages. These regulations shall not create a liability on the part of, or a cause of action against Gallatin County, or any officer or employee thereof for any flood damages that may result from reliance upon these Regulations.

3.09 Severability

If any section, clause, provision or portion of these Regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby.

3.10 Disclosure Provision

All owners of property in an identified 100-year floodplain as indicated on the Official Floodplain Maps must notify potential buyers or their agents that such property is subject to the provisions of these Regulations.